

REMARKS

Claims 1-7, 9-12, and 14 are pending in the application with claims 1-7, 9, 10, and 14 amended and claims 8 and 13 cancelled herein.

Claims 2-9 are objected to because of informalities, which are herein corrected by amendment. Applicant requests withdrawal of the objection.

Claims 1-8, 10, 11, and 13 are rejected under 35 U.S.C. 102(b) as being unpatentable by Silvestrini (EP 0 331 345 A2). Applicant requests reconsideration.

Amended claim 1 sets forth a prosthetic valve that includes, among other features, at least one flap made of a flexible openwork structure of a medically acceptable metal, wherein the flexible openwork structure is selected from the group consisting of: knitted wire and chain mail. Page 2 of the Office Action alleges that Silvestrini discloses each and every limitation of claim 1. Applicant traverses in light of the amendment to claim 1.

Previous claim 8 (now canceled) set forth that the flexible openwork structure is selected from the group consisting of: woven wire, knitted wire, chain mail, and perforated plate. The amendment to claim 1 incorporates part of the subject matter of previous claim 8. Page 3 of the Office Action alleges that certain referenced text of Silvestrini discloses the subject matter of previous claim 8. Even though the referenced text of Silvestrini describes triaxially woven fabric, review of Silvestrini does not reveal disclosure of knitted wire or chain mail, as set forth in amended claim 1. Figures 7a and 7c and the text associated therewith in the present specification disclose knitted wire and chain mail, which may be distinguished from the woven wire in

Figure 7b. At least for such reason, Silvestrini fails to disclose each and every limitation of amended claim 1 and does not anticipate amended claim 1.

Claims 2-7 depend from claim 1 and are not anticipated at least for such reason as well as for the additional limitations of such claims not disclosed.

Additionally, Applicant notes that Silvestrini fails to support a suggestion that its triaxially woven fabric may be modified to instead provide knitted wire or chain mail, as set forth in amended claim 1. Silvestrini describes triaxially woven fabric as including three angularly displaced sets of substantially parallel courses of yarn interwoven to prevent slippage of at least one yarn course along any other yarn course. Silvestrini does not appear to contemplate any other type of fabric. Instead, Silvestrini places great emphasis upon the particular structural features of triaxially woven fabric that render it compatible with a certain valve frame shown in Figures 4 and 5 and described in the text associated therewith. Modification of the Silvestrini fabric would apparently frustrate its intended purpose. Consequently, no motivation exists to modify Silvestrini.

Amended claim 10 sets forth a method that includes, among other features, providing a prosthetic valve in which a flap is made of a flexible openwork structure of a medically acceptable metal, wherein the flexible openwork structure is selected from the group consisting of: knitted wire and chain mail. As may be appreciated from the discussion above regarding the deficiencies of Silvestrini as applied to amended claim 1, Silvestrini fails to disclose each and every limitation of amended claim 10 and does not anticipate amended claim 10. Claim 11 depends from claim 10 and is not

anticipated at least for such reason as well as for the additional limitations of such claim not disclosed.

At least for the reasons indicated, Applicant asserts that Silvestrini does not anticipate claims 1-7, 10, and 11 and requests allowance of such claims in the next Office Action.

Claims 1-7, 10, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Palmaz et al. (US Pub. No. 2003/0023303). Applicant requests reconsideration.

Applicant notes that the Office Action does not allege disclosure in Palmaz of the subject matter now incorporated into amended claims 1 and 10. Consequently, claims 1-7, 10, and 11 are not anticipated by Palmaz and Applicant requests allowance of such claims in the next Office Action.

Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silvestrini in view of Palmaz. Applicant requests reconsideration.

Claims 9 and 14 depend respectively from claims 1 and 10, the subject matter of which is discussed above. The cited combination of references does not remedy and is not alleged in the Office Action to remedy the deficiencies of Silvestrini discussed above. As a result, claims 9 and 14 are patentable over the cited combination at least by reason of their dependency from claims 1 and 10, as well as for any additional limitations not disclosed or suggested.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silvestrini or Palmaz in view of Yang (US Pub. No. 2002/0138138). Applicant requests reconsideration.

Claim 12 depends from claim 10, the subject matter of which is discussed above. Page 5 of the Office Action appears to acknowledge that Palmaz fails to disclose a flap of the valve being coated with an inert degradable sealing material when the valve is initially fitted, as set forth in claim 12, and relies upon Yang to remedy the deficiency. The Office Action does not allege that Palmaz remedies the deficiency of Silvestrini either.

At least page 5, lines 30-33 of the present specification define the "degradable" characteristic of the sealing material set forth in claim 12 and its advantages. The lubricious material described in paragraph 59 of Yang, especially the example of PTFE, fails to meet the definition in the present specification of a degradable sealing material. PTFE is well known for its durability and the Office Action does not provide evidence that it would "degrade" within the meaning of claim 12. At least for such reasons, Applicant asserts that the cited combination fails to disclose or suggest every limitation of claim 12 and requests allowance of claim 12 in the next Office Action.

Applicant herein establishes adequate reasons supporting patentability of claims 1-7, 9-12, and 14 and requests allowance of all pending claims in the next Office Action.

Respectfully submitted,

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